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**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CRIMINAL MISC. PETITION NO.1429/98

Balveer Singh & Anr.

Versus

State & Ors.

DATE OF ORDER :: 30/08/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Mukesh Sharma for Mr. D.G. Chaturvedi, for
petitioners

Mr. Arun Sharma, P.P.

Mr. N.C. Sharma for Mr. Suresh Pareek, for
respondents

Instant petition is directed against the order dated 7th August, 1996 whereby learned Magistrate appointed Receiver over the disputed property in exercise of his power u/s.146(1) Cr.P.C. - against which present petitioners preferred revision petition which was dismissed on 27th November, 1998.

The SHO, Malakheda filed a complaint in which it was alleged that there was a dispute about the possession of the suit property in question amongst petitioner and respondents herein and there is possibility of breach of peace. After holding inquiry and affording opportunity to the respective parties, learned Magistrate being satisfied, directed to take possession of the suit property and appointed Receiver in exercise of his power u/s.146(1) Cr.P.C. Learned

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Revisional Court also examined the record and concurred with the opinion expressed by learned Magistrate and finally rejected the revision petition.

I have considered the submissions of counsel for parties and perused the order impugned.

Both the courts below have examined in detail and after his subjective satisfaction, recorded finding that there is possibility of breach of peace in relation to disputed property and this court does not find any error committed in passing order impugned. However, it is made clear that it was an interim arrangement made by learned Magistrate while passing order in exercise of his power u/s.146(1) Cr.P.C. and since the civil dispute is pending between the parties what has been observed by the court below under the order impugned will be subject to final outcome of civil dispute which alone will decide their inter se right in respect of title and possession over the disputed property.

Consequently, the misc. petition stands dismissed, along with Stay Petition No.991/98.

[AJAY RASTOGI], J.

FRBOHRA, JR. P. A.